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In the High Court of Judicature for Rajasthan
Jaipur Bench

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Cr. Msc. Petition No.2163/2007

Girvar Prasad ***Versus*** State

Date of Order ::: 10/12/07

Hon'ble Mr. Justice Ajay Rastogi

Mr. Rishi K.Sharma, for petitioner

Instant petition has been filed by petitioner who claiming himself to be power of attorney holder filed application U/s 457 CrPC, for release of motorbike (RJ-02-1M-9422) on superdgi but the same was dismissed by trial Court vide order dt. 05/10/07 - against which revision petition has also met with the same fate.

FIR-702/07 was registered at PS Dausa for offences U/s 279, 307, 353, IPC & S.3/25 of Arms Act, The courts below basically dismissed application U/s 457, CrPC on the premise that investigation is pending and it is still to be examined about nature of commission of offence alleged by persons who are accused and named in the FIR. However, since application for release of motorbike has been moved by power of attorney holder and not the registered owner of motorbike, this Court is not inclined to consider application particularly when registered owner of motorbike is one of accused and is facing

investigation at present.

Consequently, misc. petition fails and is hereby dismissed. However, registered owner of motorbike will be at liberty to file application U/s 457, CrPC, for release of motorbike on superdgi and if such application made, trial Court may examine the same independently in accordance with law.

(Ajay Rastogi), J.